

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARK ROBERTSON,	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION No. 3:13-CV-728-G-BK
	§	
	§	(Death Penalty Case)
	§	
LORIE DAVIS, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
Respondent.	§	

**JOINT MOTION OF PETITIONER AND RESPONDENT
TO UNSEAL Doc #98.**

COMES now Petitioner, Mark Robertson, and Respondent, Director Lorie Davis and file this Joint Motion to Unseal Document 98, “Sealed Memorandum Opinion and Order Following Remand,” (hereinafter Mem. Op. and Order).

The parties request that the court place the 2/19/2019 Mem. Op. and Order, Doc 98, on the docket sheet, and make its content available in the public record. Nothing about this public record filing changes the sealed nature of documents that do remain sealed in the district court.

Other orders of the court pertaining to funding requests have already been unsealed at the request of the parties prior to the *Ayestas* appeal in the Fifth Circuit.¹ This allowed the parties to

¹ In particular, the district court unsealed Doc 25 [Order]; Doc 33 [Order]; Docs 53, 53-1, 53-2 [Defense Funding Application with exhibits for Representation Services]; Doc 60 [Defense Notice of Service of Docs 53, 53-1, 53-2, pursuant to the August 29, 2014 Court Order, Doc #56, at 4]; Doc 64 [Respondent Response in Opposition to Doc 53]; Doc 65 [Defense Motion]; and Doc 69 [Order]. *See also* Doc 66 Order unsealing Docs 25, 33, 53, 53-1, 53-2, 60, 64 and 65. *See also* Doc 75 Order unsealing Doc 69.

litigate the denial of auxiliary representation services pursuant to 28 U.S.C. § 3599 in the Fifth Circuit – which is an issue that is a matter of appeal as of right.

WHEREFORE, counsel for both parties request that this court grant the joint motion to unseal, place on the docket sheet, and make available the content of Doc # 98, "Sealed Memorandum Opinion and Order Following Remand," dated February 19, 2019.

Respectfully submitted,

/s/ Lydia M.V. Brandt

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CERTIFICATE OF SERVICE

This certifies that on February 21, 2019, I electronically filed the foregoing document with the clerk of court for the US District Court Northern District Texas using the electronic case filing

system of the court. The electronic case filing system sent a notice of electronic filing to the following attorney of record, who has consented in writing to accept this notice as service of this document by electronic means:

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